

Town of Milton
Town Council Meeting
Milton Library, 121 Union Street
Monday, January 3, 2011
6:30 p.m.

1. **Property Tax Appeal Hearing – Milton Town Council will site as the Board of Appeals to hear and address 2011 Property Tax Appeals that were filled by December 20, 2010**
 - a. Truitt Jefferson: I'm protesting the tax assessment on Parcel 2-35-14.15-101.00; it's 201 Broadkill Road; its 2.7 acres, I think, that's where the old school house used to be. They've come up with a market value of \$954,000 and I don't know how they did that; and I paid \$700,000 for it and then I spent at least \$25,000 taking the old building off and cleaning the lot up. The market value for assessment they have \$798,500. This summer, I asked a realtor to come by and take a look at it and see if I could sell it; and he said I might get in the \$500,000-\$550,000, and that might take a few months. So the place is, in my opinion, I paid \$700,000 for it and then spent \$25,000 on it; I have more in it, then what the market bears; but I'm there, but I don't think if somebody is doing a current assessment that you raise the price for what's going to happen down the road. You need to come back to today and the price of that lot has probably gone down 25% since I bought it. So my idea of a value is \$525,000 and I can pay the tax on it and have no problem. I would like it to be lower, but, being realistic about it, that's where I am and you guys will be the judge of it. Last year I didn't get to send it in in time, so I paid the taxes that were assessed last year to keep the taxes paid; so this will be a new one just for this year and you don't have to worry about what happened last year. But that's all I wanted is just to take a look at the value; I think the guy that did the assessing, I don't know where he went to school, he thought he knew what was going on; but I don't think he did in this case. This is the only one I have. I have other ones and I passed on all of those, because I don't want to create a bunch of problems, but this one was so far out of line, that I just felt that I needed to say something to the powers that be and see if there was any benefit in there.
Mayor Newlands: What is the actual tax amount you are paying on the property?
Truitt Jefferson: This bill here says the estimated rate would be \$1,437.30; I got what I paid last year. That's what I paid last year...
C Abraham: What is the assessed amount?
Truitt Jefferson: It was assessed as the land value for \$798,500 and then last January, since I didn't get my appeal in in time to be heard, I paid what was assessed on it \$1,437.30. I just think the \$798,000 is too high. If the market had gone up 20%, instead of going down, then it might be fine; but I've had no bites for anybody wanting to buy it when I ask people about it, they were down in the \$500,000 range.

Mayor Newlands: Where are you getting the assessed value today? Are you getting that from your realtor?

Truitt Jefferson: I just talked to a realtor. I don't have anything written down on a piece of paper. That's pretty much what it is. My other ones I've just agreed with you guys on them; but this one, I think, needs a little help. It's for you guys to decide.

Mayor Newlands: Just so everybody understands, at this point Mr. Jefferson gets to make his appeal and then later on in the meeting we'll get to make our decision, towards the end of the meeting.

Truitt Jefferson: Okay, fine, thank you.

2. **Presentation by Cabe Associates for new water tower on east side of town**

Mayor Newlands: Next we will have a presentation by Scott Hoffman from Cabe Associates on a new water tower for the east side of town.

Scott Hoffman: Thank you Mayor and Council. Tonight I'm going to be talking about this project which for now is called the 2012 Water System Improvements. You may wonder why I'm here the first day of 2011 asking about something in 2012; this is a project that was included in our Facilities Plan that we prepared for the Town back in 2008; it was part of the Water Facilities Plan where we went through and evaluated the Town's water system and put together recommendations and costs and things that the Town would need as the Town continues to grow. Obviously, because of the economy there has been a slow down, in terms of the growth, and we still believe that there is a future need for some improvements and primarily what we're going to talk about tonight is how those things would be paid for. As it turns out, you need to start looking at how you're going to pay for things well in advance, before you begin construction. So I'm going to go back and revisit some of the Facility Plan Recommendations; talk about specifically what this project includes; project funding; project budget and the schedule. If, just to say hypothetically, the whole thing were to start today, you would be at least one year away before we would even start to design anything. At this point, we are just kind of upping the Town Plan for these things; and you would be 18 months away from actually constructing anything. It's something where we're trying to get ahead of the curve and look at the whole thing. As I said, most of this is from the Facility Plan of 2008 System; old data is now on the slide which I am trying to update as we go. This yellow area represents the town's service area for the water system; one thing I want to note is that this is the Broadkill River here, kind of running through the middle of town; the entire town's water system is provided in two sections; one on the north side and one on the south side. Most of your key infrastructure elements, which would be your wells, your water towers, and your water treatment facilities, are all located on the north side. There's a big tower, there's a tower over by the park and there's a tower over by Shipbuilder's Village. Right now the town has four wells; you can see their age is anywhere from 40 years to the newest well, Well #3, which was installed in 2008; that replaced an older well. The town right now relies pretty much on wells either operating either Well #2 and #4 or Well #3 and #4; and I'll get into why that happens. Well #5 is located at the treatment plant,

the wastewater plant, and is not really used because of some water quality issues. This graph shows water demand up to 2008 and you can see that for many years it was pretty steady; although you see these peaks that represent summertime watering. Then in 2004 it started to go up dramatically. Allen just gave me the numbers from this year; the 2010 average was 366,000 gallons per day; that would be almost off of this graph. The trend has really been increasing even since we finished this projection. This was the water demand projection that we put together in 2008 and you see that we had two lines; one was 50 homes per year; one was 150 homes per year. This represents probably your worst case scenario and this was, back then, the rate of homes that the town was seeing. I talked to Robin and he said that right now you're running about 25 homes per year. I think that was what was accounted for in the town's budget coming up, so this line would now be much shallower; you would not expect that growth rate to continue. However, at 360,000 gallons per day, you're at now what we projected for 2015, based on the old growth rate. In terms of water quality, this gets back to why two wells are operating at once. The shallow wells have elevated nitrate concentrations; they don't really exceed the State limit of 10 mgs per liter and the deeper wells have higher Ph levels. So what the Town does is they operate two wells; a shallow well and a deep well and they blend the water together. That gives you a water quality which meets the drinking water standards, without having to go through a lot of expensive treatment. A lot of towns in Sussex County are in trouble with very expensive treatment plants, so in terms of treatment you are limited to disinfection; which uses chlorine and fluoride. So the recommendations in terms of wells back in 2008 was to identify the location of a new well field and that was a location where you could install one or more wells to replace some of the old ones, or to supplement the older wells; and a treatment plant site where you would provide chlorination and fluoridation. We recommended that you abandon Well #5 and construct a new well and water treatment facility at this location. Well #5 is not really used; it has some odor issues and some other water quality issues; it's primarily there as a back-up. It's on the wastewater treatment plant site; it's kind of isolated from the other water facilities. We also recommended that you install a SCADA (Supervisory Control and Data Acquisition) System. It's a fancy acronym for a computer system that allows Allen to monitor what's going on in the water system from his office or from a central location. Looking forward, based on those growth curves, a second well in 2012. Obviously, the time lines of some of these things have changed because of the economics and the current situation. Everybody knows, or I am assuming that everybody knows what the elevated storage tanks are; the big water tanks that you see in Town. You have two, #1 which is near Milton Memorial Park on Behringer Street and that has 150,000 gallon capacity and Tower #2 which is 75,000 gallons; which gives you a total storage volume of 225,000 gallons. The elevated storage tanks do two things; they provide a quantity of water which is stored in the air and there will be provide your water pressure at your house. So in terms of storage needed; and this again goes back to 2008; your domestic demand at that time was about 280,000 gallons and there is a quantity of water which the State Fire Marshall likes you to have available, which is based on

the types of buildings in town and that quantity of water is 184,000 gallons. The standard for water storage, just for domestic demand which is what you use in your house, is one days' storage. So that and then the Fire Marshall likes you to have a quantity of water, in reserve on top of that, that adds to 464,000 gallons. That was the basis for our recommendation in 2008, was that the Town needs to start looking at locations for a new water tower and start thinking about moving forward with planning and construction. This is just a summary. The town has a maintenance contract for the water towers; it looks like it was set up for nine years and this is the last year of it. Basically, what this company does is they do all the maintenance on the water tower; they make sure you don't have any issues with corrosion, and they do routine inspections, etc. That is running out this year. So our recommendation back in 2008 was that the town should probably continue the maintenance program; it seems to be working; and they should probably bid those services out to try to get a good price. Start to look at where you can build and start planning for the construction of a half a million gallon storage tank and then; this is a recommendation that is pretty far out there, was pretty far out there back then and still is. At some point you're going to probably need to build another water storage tank and that's driven more by growth than anything else at this point. And in the future you could look at selling Water Tower #2, which is the water tower at Shipbuilder's Village; to try to recover some money for that tower. So the locations that we were looking at, this is Atlantic Street here; Cave Neck Road also; and Sam Lucas Road; this is or was called at one point the Key Ventures property; and the Town was looking at acquiring some land out there. That was a possible location. This is one of the later phases of Cannery Village, it hasn't really started yet; this is a commercial section of that project at the intersection, which is a possible location. This is the location that we've planned for a long time ago. This is behind the Dogfish Brewery; that location is now off the table, because since we did the facility plans they constructed a retention pond or something back there; so that exact location is off; although it would be possible maybe to do something over in Heritage Creek. The other location we identified was by the Milton Elementary School. As I said basically what we're trying to do now, and what the Town's trying to do, is thinking about moving ahead with what they need to do to get this project going. It's several years before it actually happens; and what do we need to do now? The project includes the half million gallon storage tank; new well; water treatment building; the SCADA System and also some security upgrades. I'll get into why that was included. The funding mechanism that is available right now; that is a mechanism which pays for a lot of infrastructure in Delaware, for water and wastewater, and it is called the State Revolving Fund ("SRF") and the SRF is a pot of money that the State gets every year from the Federal Government; and they make it available through the Revolving Fund programs in various municipalities and private facilities, in the form of low interest loans, primarily; and also, lately, within the last couple of years, because of the investment that the Federal Government is doing; and also in terms of grants. In order to get onto that Program you have to do what is called a Pre-Application; so the Town asked us to do a Pre-Application which we submitted in September of last year and then they go through and they

rank you and they rank you in terms of what is your project going to do for the community; like if you have a lot of water quality issues, you would get ranked higher. If you issues where you don't have enough storage, you get points for that. So it is kind of a point system and one of the point things that was on there was upgrading security at your facilities. So that's why that got tacked on and it really wasn't talked about a lot in the Facility Plan. The Town was ranked number six on the priority list, and we're going to address that on the next slide. The next step in the funding process is to submit a full application which is due at the end of this month. So here's the list that came out in the fall of last year of all the different water system projects that need to be funded by this program under this year's funding and you can see the State has given a total of \$16 million. The top project was the City of Wilmington, Delmar, and Georgetown has a couple of projects on it; there's another City of Wilmington project; town of Middletown and here's Milton, which is ranked number six. So you got above the funding line, which means you're eligible for funding to move forward with the process. Now the interesting thing is, Georgetown already put their full application in and they were given what's called a grant that is called Principle Forgiveness and I think the amount was \$1 million, or something like that. It was a significant amount of money that basically they get to build something with and they don't have to pay it back.

Mayor Newlands: I think it was 50% of the loan.

Scott Hoffman: So there is an opportunity here for the Town to hopefully get some of that money and the only way you can do that is to get on the list and then put your name in the pot, it's the only way to make it happen. That's where we're at.

C Prettyman: Do we have this in the budget?

Scott Hoffman: We're working on it now. So one of the things you have to do when you prepare the Application is to put together a budget and these numbers are all taken from our Facilities Plan, back in 2008; the construction costs were a little over \$1.9 million; engineering of \$350,000; and a contingency figure of \$350,000 for a total project cost of a little over \$2.6 million. The project schedule; if this moves forward, the money will become available in January of 2012; that's why I said in the beginning it's probably a year away before you can even start doing any kind of design. The design would be completed about six months later and you could bid the project some time probably in the third quarter of 2012 and then expect to complete construction in 2013; initiate operations in 2014. So you can see, as is the case with a lot of public works projects, it's a couple of years from when you start talking about the thing, before you actually have something that will operate. So that's why the Town is looking to move forward with the full application at this time. So the next steps are completing the final application; one of the application items is that there needs to be some evidence that the Town wants to move forward with the project. That can be meeting minutes or something like that. I think there may have been some discussion about it, I don't know. That's something that we have to decide what to do. The other step is to start, and I think the best thing to do is for Cabe to start working with the Water and Sewer Committee again, and hopefully try to talk

about how we're going to find a place to put the storage tank and those kinds of things. So I'm not really here to figure out what we're going to do exactly for these next steps; we're just trying to get the ball rolling and we do need to talk a little bit about what we have in terms of minutes or whatever; where the Town Council has talked about the project and their willingness to move forward.

C Abraham: Are you speaking of this evening's minutes, because I know in discussions with the past Water and Sewer Committee's it has been several years ago; but we do have probably minutes to speak to that, but they're old.

Scott Hoffman: So now we have questions and discussion. I don't know what we could do about that. A letter of support maybe or something like that, signed by the Mayor, or something along those lines saying you want to move forward with the full application. You're not committed to spending this money until you sign what's called a Binding Agreement; and that would happen in December of this year.

Mayor Newlands: When would we need to have a referendum from the residents? I know Georgetown went through theirs last month. We would need to do that soon or after we do the application; is that done before or after?

Scott Hoffman: I think you can do it after.

Mayor Newlands: She's saying that there are referendum procedures in the Charter, but I wanted to know what the State cared about whether we had to have the referendum done and the agreement from the public to utilize this money, or to borrow this money, before we do the application or we do that afterwards?

Scott Hoffman: Well the application only gets you the ability to borrow the money. Basically, they are going to do the application; they're going to look at your finances; and they're going to set up what the actual amount would be; what the payments would be and those kinds of things. So I don't know that you have the information right now to move forward with a referendum; because you're not going to be able to tell everybody this is exactly how it would be paid for.

Mayor Newlands: They also told me that until we do the application, they can't tell us how much of the loan is going to be forgiven.

Scott Hoffman: Right and obviously if you could get 50% or 25% or even some percentage of principle forgiveness, that's going to have a financial impact if you're going to want to present that information at a referendum. Also, in terms of if there has to be any changes in the rate structure; so I don't think it's appropriate at this time to have a referendum when you can't really tell people this is what it is going to be.

Mayor Newlands: Great, okay, good.

Scott Hoffman: But I can talk to Heather Warren at the State about it and give you an idea of when they'll be back.

Mayor Newlands: Are these loans paid back over ten or twenty years?

Scott Hoffman: I believe its twenty years.

Mayor Newlands: And it's a 3% or a 1.5%; do you know what the rate is?

Scott Hoffman: I think its right around 3% right now. The options for payback would be changes to the rates; impact fees; and those kinds of things. That's why it is probably important to sit down with the Water and Sewer Committee and

start talking about some of those details and providing options and things for you all to think about in terms of how we actually do the project.

Mayor Newlands: You're saying we need two 500,000 gallon tanks over the course of the next ten years; or eight years?

Scott Hoffman: Probably not ten years.

Mayor Newlands: Less than ten?

Scott Hoffman: Yes that was based on the growth then. The growth changes every year so it's kind of this thing where you have to go five years and see where you are and then realize that you're not going to need this other 500,000 gallon tank for another ten years. But you seriously need to start thinking about moving forward with this project now because Allen called me up a couple of years ago and said we need to get this tower project going, because I'm running out of water today. And it becomes a critical thing in the summertime especially.

Mayor Newlands: Right.

C Abraham: I personally think we need to get the letter of approval to go forward with the application and then schedule the Water and Sewer Committee within the next couple of weeks; it has to be a couple of weeks.

Seth Thompson: Do you know who has to sign the application?

Scott Hoffman: Usually the Mayor signs it.

Seth Thompson: Okay.

Scott Hoffman: We've been doing these priority lists for a long time, so it's a matter of knowing how to get your project ranked; that's what it comes down to. Obviously, economics is going to be a big issue and that's why we need to move forward with figuring out how the thing is going to work; so we can iron some of those details out.

Jeff Dailey, 211 Gristmill Drive: I understand you want to complete the application and see what kind of monies the Town of Milton may or may not get; but are there any options as to the plans you present? In Florida, where they do planned communities, very flat terrain, much like Delaware; as they build out Phases in these very large residential communities that are actually planned cities, they put up the water flow towers as the sections are completed or started. They are much smaller in scale, because they are all part of the network of pumping stations. We have three relatively new developments Wagamon's Pond, Heritage Creek and then Cannery Village. Is there any option that if we have large developments or Phases, like Cannery Village come on line; if the housing market comes back and we have building in future; could there be assessments for a smaller water tower that would service those new homes? Are there any other options? I see what I've seen all my life, so that's my question.

Scott Hoffman: The answer to your question is yes and no. There are always options, but a large cost of a water tower isn't actually in the construction of it. You might build a 250,000 gallon elevated storage tank and then five years later have to build a 500,000 gallon storage tank and basically the money that you invested in the 250,000 gallon tank; you're going to reinvest all that money all over again because you're building a new one from the ground up. So the answer to your question is yes. We recommended the 500,000 gallon tank; if the town says, Scott, we can't afford that size water storage tank; how can we do this

project to make it more affordable. Obviously, that's the biggest expense with this project; then there are things to look at.

Jeff Daley: One other thought, as developers come in, could they be assessed for that kind of infrastructure?

Scott Hoffman: I believe the town has an impact fee structure and usually some of that money that goes towards the impact fees should be earmarked for large capital projects.

Jeff Daley: Okay, thank you

Mayor Newlands: Does anybody else on the Council have any questions? Does anybody else in the audience have any questions? Thank you very much, Scott.

3. Public Participation

a. Marion Jones, 411 Behringer Avenue: I'm here again this month to talk about yard waste. I know I spoke at length last month. The most discouraging was to hear that the possibility of the option of the Town coming up with a resolution of what to do with yard waste was not an option at all. I will visit the subject again tonight to say this list of yard waste collection options in Sussex County; these are business people; perhaps the Town of Milton may look at the removal of yard waste by town employees as something that would be a money making project, rather than a taxation on the employee manpower hours. The same way these people will charge for coming to your home for collection; perhaps the Town of Milton would consider that as an option with an additional fee for the homeowners who wish to participate. Thank you.

Mayor Newlands: Thank you.

b. Georgia Dalzell, representing the Chamber of Commerce and I'm just here to sort of wrap up a good year. I wanted to say thank you to everyone in Milton for participating and working with us on the events that we sponsored during the year. Our membership has grown; continues to grow; the attendance of the events that we've sponsored throughout the year has increased; and we've increased working with other organizations throughout Town. We're very grateful for the participation of everybody and the last one we did was in December; the Holly Festival; which we had record numbers of people and we really would like to show our appreciation to the Fire Department, the Police Department, the Town Administration; all of the merchants who participated by being open; the Garden Club who made the Town look so great for the visitors. We had a lot of visitors; all of the vendors were happy; people are coming into Milton to visit and this is really a good thing. We have on our agenda working on signage with the Economic Development Committee; that's important. People continue to tell us that they can't find Milton, believe it or not. We're going to try and help that situation. We have a couple of things coming up, one of which is the Candidates Forum, which we've always sponsored and if there is the need for one this year, if we are having an election; if there's going to be multiple choice, we planned to have a Candidates Forum. I noticed on the agenda that the League of Women Voters has expressed interest in the Candidate's Forum also. Is there a representative

here from the League of Women Voters, because we have brought this up as well and wanted to discuss their participation in this; so we will be working on this, this month; and I guess we'll know shortly if there is a need for a Candidate's Forum and it will be the last Saturday morning in February, the week before the election, so stay tuned for that. But thank you all for helping the Chamber this year to participate; we're going to be partnering with several organizations next year in our events that we're planning and this is really a good thing so I feel like we're growing and making progress and Go Milton! We have a very nice brochure that is in all of the tourist information centers. I-95 is very glad to have our brochure. It's very popular in the Dover information center; the Smyrna information center; so we've got brochures about Milton spread out as far as we can. We're going to do a new brochure this year and Milton is high on the tourism agenda in this state. Keep up the good work everyone! Thank you.
Mayor Newlands: Thank you.

- c. Virginia Weeks, 119 Clifton Street: Thank you, Miriam. I too am wondering how we're going to handle all of this. Something came up while she was speaking that I would like to ask you. Since there'll be a great reduction in the amount of tonnage going to the landfills that our refuse people are picking up, is there going to be a reduction in the rate?

Mayor Newlands: Actually tipping fees are going up for the next three years.

Virginia Weeks: Above what... And it balances out for all the landfills?

Mayor Newlands: Not at all. Thank the DSWA for that. That's not a Town issue, that's a State issue and we're asking the same questions; why are we separating yard waste and recycling and tipping fees continue to go up? So we've asked the same questions.

Virginia Weeks: Okay. The other thing is, you all know, it's not a surprise to you, that I have not been happy with the budget with the police overtime; I've spoken on it at various times. I understand they did acquire the grant or were granted for the eleventh police officer, is that correct?

Mayor Newlands: That's correct.

Virginia Weeks: I just did a little math and let me see if I can explain it so I can make how my head works understandable to you. There are 24 hours in a day; 7 days in a week; and that makes for 168 hours per week. If you take those 168 hours and you divide them by 8 hour shifts; that come to 21 shifts per week. Now if we average, because I believe at night we're only one officer on duty, correct?

Mayor Newlands: Not exactly.

Virginia Weeks: So say we have 2 officers, 24 hours a day; that's 42 shifts. Eleven officers are 55 shifts a week. Okay? Those 55 shifts, if you take away the 42 shifts needed for two officers around the clock, per week; leave you with 13 shifts that aren't being used. That's 104 hours a week of personnel use that is being paid in the regular payment system; not using any overtime. Even if you take one officer a week out for the whole week; take another 40 hours off for vacations or whatever; it still leaves you with 64 hours of extra

time, instead of using overtime; so I just want to know why we have \$57,500 in the budget in police overtime? And why are we giving them permission to spend it now, rather than putting the emphasis on maybe looking how time is being used; when there is so much extra time or some apparent extra time, every week. It seems to me that the \$57,500 should be greatly reduced and then if they need more, let it be justified, just as it should with every department. We're running into hard economic times; we're going to have to come up with \$1M; \$1.5M maybe and here we're just handing over \$57,000 before it is justified; and I don't understand it.

Mayor Newlands: Part of it is justified because part of it is Holiday Overtime that they get and that's a given that we have to do.

Virginia Weeks: Yeah, but there is still another \$35,000 in overtime.

C Abraham: I really think the Chief needs to sit and really explain to the public how the shifts work; because you're also taking into account that the criminal investigation officer, is not in the road group, so you take him out.

Virginia Weeks: Right.

C Abraham: You also have the relief shifts that are covered; the Chief ...

Mayor Newlands: Actually, I'm not going to give the public what we do for shifts.

C Abraham: I know, but I mean explain how the shifts work.

Mayor Newlands: No, no, security-wise, I don't think the public should know who's on the road when and what's going on.

C Abraham: [laughing]

Mayor Newlands: I'm serious. I really don't think they should know that.

Virginia Weeks: I don't want to know that. I just want to say that I think \$57,500 in pre-approved overtime is very high and maybe should be cut back and if he needs it later, come in; because we're taking it out of revenues anyway; it's not like we've got it somewhere.

Mayor Newlands: Well it has to be budgeted; you can't just come in at the middle of the year and take money out. That's number one. Number two, we did have patrol people on staff this morning and throughout the day, throughout the night; and we also had four officers this morning, separately from the regular shift doing a bust at 6:00 this morning; so we do have lots of things going on and it takes four guys to do that.

Virginia Weeks: I know, I know.

Mayor Newlands: So we can't just have a shift and...

Virginia Weeks: I understand that, but it's a lot of man hours per day that are available to you. I can't understand the \$57,500 in overtime; it seems really excessive.

Mayor Newlands: Without having to explain where our guys at all times of day and night; that's one thing I'm not going to do.

Virginia Weeks: If they need it, they should have it; but to pre-approve it from revenues before they need it...

Mayor Newlands: That's called budgeting. Sorry.

- d. Katherine Greig, 326 Union Street: Speaking first on downtown business, I seem to have gotten this business given to me by my son, Antiques at Milton at 109 Union Street. In November I spoke to all of you about a promotion I had organized; we had 15 businesses and 2 organizations go together on an advertising campaign; we took out several ads; we got a lot of free publicity; we gave out 600 cards to our customers; and actually the ad campaign cost us \$650, but each person paid \$40; which was affordable for all of us. It was a huge success. Holly Fest was the best day Antiques in Milton has had in about 3 or 4 years. I know other people were very thrilled with it; people were talking the entire month about the advertising and the cards and everything. Luckily Matt's girlfriend knows how to send in Press Releases and she got us a lot of free publicity, including a picture of a grumpy-looking Matt in the paper. It continued on through the month of December. We will be meeting for breakfast in a couple of weeks to plan what we're going to do next. We all truly believe that group advertising is the way to go and I'm going to continue coming here and telling all of you about it. My second is your advisor. Jennifer was supposed to be here, Jennifer Pringle, the President of the Garden Club; this is a problem for us too; because right now we have all these branches in these planters and usually we bag them up, leave them, and Allen and his crew pick them up. Sometimes, I have been just the trash cans there for the apartments above Antiques in Milton, they're right there and I've just been throwing them in there; so I guess I can't do that anymore. As you know, I'm a gardener, I compost. I have three compost piles going all the time; but there are many, many pieces of yard waste that can't go in that compost pile. We have a home that has 12 to 15 very old large trees; branches are falling all the time and I just think, as a community, public officials and private citizens, we've got to work together to find a solution to this.

Mayor Newlands: If Allen is picking... Are you still taking some of the stuff from the Garden Club for the Town?

Katherine Grieg: Oh, good, I'll bring my own.

Mayor Newlands: He won't know the difference.

Katherine Grieg: This is certainly not anybody's fault up here that this is happening, but it is happening all over the State and I know that friends of mine who live in other little developments, they say their development has come up with various plans and maybe we need to form a group to come up with something that will be acceptable. I know you have it on the agenda.

Mayor Newlands: Do you know what some of those plans off hand?

Katherine Grieg: Well Sussex East, which is a fairly small development I believe, they are having the people bag up small things, but not in trash bags; it's some sort of a special bag that decomposes. Then sticks and branches and things have to be in bundles and they can't be bigger than a certain length. She didn't know a lot of details.

Mayor Newlands: Who is picking this up?

Katherine Grieg: Who is picking it up? The same trash people.

Mayor Newlands: Oh, they are.

Katherine Grieg: Maybe on a different day. When I talked to Jennifer about it, she didn't really remember all the details because she had gotten the letter; but because she didn't have any yard waste yet, she hadn't read about what she was supposed to do with it.

Mayor Newlands: M-T will come and pick up, for a fee. I don't know what the fee is.

Katherine Grieg: For a fee, well she said it was a small fee that was added on to their regular bill; but she said just a few dollars. Well to me a few dollars is under \$5, so I don't know what the few dollars to her is. Overbrook Shores has a plan. They have some sort of big container that their residents are taking the stuff to; and then that container is emptied from time to time.

Mayor Newlands: But they're paying additional fees for that?

Katherine Grieg: Probably, this woman didn't say about that.

Mayor Newlands: Right. Thank you. I know this is an issue and we're going to talk about it later on. So we'll discuss it later on in the agenda.

- e. John Collier, 301 Coulter Street: Thank you for this opportunity to speak. I'm like a broken record, because I want to talk about yard waste, as well. The last comment made about arrangements being made; my parents live in a small development on the edge of Dover and their trash is collected by the City of Dover [garbled]. They have in the City of Dover, something that the residents and the community voted on, where the City of Dover will pick up their yard waste; and in the 2nd and 3rd quarter, it has cost them \$20 more a month on their trash bills; or \$20 per quarter, excuse me. That's pretty reasonable. I'll tell you what; I've got 64 cu. ft. of compost with not a single mature tree in my yard. I've filled that thing to overflowing every fall because all my neighbors have [garbled – not speaking into a microphone]. Probably what made me get up and speak to this is the comment that you made, Mr. Mayor, about how your neighbor has generated the yard waste and it would be fair to make him pay. You know, I've got neighbors that only set their trash out once-a-month; but they pay for full trash pick-up all year round. I don't have any trees in my yard, but I gather up yard waste as well and I'm willing to pay; it's all in what people want to do. I think you really need to leave it up to the people who have to deal with it. It shouldn't be a decision made wholly by the Town Council; if you want to take it to a referendum, you've got an election coming up; it's a little late, but if you can put it on the election ballot for all I care; but give the people that actually deal with the problem a chance to speak.

Mayor Newlands: That may not be a bad idea. One of the problems that I do have an issue with is the Town starting up a collection service, because we don't have the manpower and Rehoboth is doing it now because they already have a trash system in place and they have the manpower for it. That's the big issue we have.

John Collier: And I agree if you don't have it, then it would be foolish to start it up. There are other alternatives; heck if you want to, one Saturday a month you have a dumping bin up here and you pay one guy to sit there and charge

somebody however much to throw it in there and that pays his salary and the pull fee for the thing, more than likely if you generate enough waste. Sounds to me like you can; between my yard and Marion's you [garbled].

Mayor Newlands: I'll talk about it later on, but we had talked about doing something at least semi-annually; and I know that's not frequent enough. Let's get on with the meeting.

4. Call to Order – Mayor Newlands called the meeting to order at 7:22 p.m.

5. Moment of Silence

6. Pledge of Allegiance to the Flag

7. Roll call:

C Lester	Present
C Prettyman	Present
C Abraham	Present
Mayor Newlands	Present
C Martin-Brown	Absent
C Duby	Absent
Vice Mayor Betts	Absent

8. Additions or Corrections to the Agenda

Mayor Newlands: Are there any additions or corrections to the agenda?

9. Agenda Approval

Mayor Newlands: I will need a motion to approve.

C Prettyman: So moved.

C Lester: Second.

Mayor Newlands: We have a motion and a second to approve the agenda. All in favor say aye. Opposed. Motion carried.

10. Approval of the Minutes: December 6, 2010

Mayor Newlands: Does anybody have any updates or changes to the minutes from December 6, 2010?

C Prettyman: I make a motion that we accept the December 6, 2010 minutes, as presented.

C Abraham: Second.

Mayor Newlands: We have a motion and a second to approve the Minutes of December 6th. All in favor say aye. Opposed. Motion carried.

11. Discussion on Written Committee Reports

Mayor Newlands: We'll go through the Committee Reports today and then we'll go on.

C Prettyman: I make a motion that we accept the Historic Preservation Commission report dated December 15, 2010, as presented.

C Abraham: Second.

Mayor Newlands: We have a motion and a second. All in favor say aye.
Opposed. Motion carried.

12. Department Reports: Public Works, Project Coordinator, Code and Police

a. Mayor Newlands: Next is the police report.

C Prettyman: I make a motion that we accept the Milton Police Department monthly report from November 1, 2010 to November 30, 2010, as presented.

C Abraham: Second.

Mayor Newlands: We have a motion and a second to approve the police report. All in favor say aye. Opposed. Motion carried.

b. Mayor Newlands: Next is the Maintenance Report, I think that's the last one. We can go through that quickly. I'm sorry this is the Code Report.

C Prettyman: I make a motion that we accept the Code Report from December 2010 and the Project Coordinator monthly December 2010, as presented.

C Abraham: Second.

Mayor Newlands: We have a motion and a second to approve the code report. All in favor say aye. Opposed. Motion carried. I just want to let the public know the guys were out for the snowstorm; there were four guys on the road; they drove 494 miles at various times throughout town to keep the town clean and from what I understand from one of the staff reports, that this town was cleaner than a lot of the other towns around in the surrounding area. These guys did a really, really good job. [Applause]. Yes, 32 hours straight, with a half hour break here and there. So it was a long day and a half for them.

13. Finance Report and Revenue/Expenditures Report

C Lester: Unfortunately we don't have a statement for tonight, but I would like to address some reasons why and I would like to answer some questions that apparently have been posed lately about the preparation of the statements, etc. One thing I would like to say, I've repeated some of these things 2 or 3 times, but if people in Town, tonight the minutes have been approved for the December meeting and if you take the time to read the minutes and read my comments and the other comments in there about the status of the Financial Statements and the problems we've encountered, I think you may understand; I think the majority of people will understand; but, of course, there are some people who would like to have their own facts and they won't understand. We do have some problems. I would just like to go over some of the problems. One of the things that have been said is that we can just press a button and produce Financial Statements. The statements that have been prepared in the past and they have been prepared by pressing a button and it used to be called GIGO (garbage in, garbage out) and I'm just going to read the Statement that was prepared by the Town bookkeeper and it reads thusly. It says "I, Jennifer Cornell, Finance Director for the Town of Milton, do hereby attest that I have prepared the Financial Statements for the Fiscal Year October 1, 2009 through January 20, 2010 using Edmunds Software Program." There is no reference to any accounting interaction, just simply

pressing a button. It doesn't work. The other statement that we had is that we should be no better or no worse than any other town. Well, there are towns that are so far better than us; so far more attuned to what the residents need and require, that we're worse than probably most of the towns in Sussex County, at least and probably for the entire State of Delaware; except maybe taking out Wilmington and Newark. The problems that we found are this: in 2009, for example, Tom Sombar's firm recorded journal entries that affected the Fiscal Year 2007 and Fiscal Year 2008; which meant that problems were escalating from one year to the next. They just cascaded from one year to the next, so the following statements were produced, but they were wrong because the errors were compounded year by year. That simply cannot be acceptable. I thought from talking to many, many people last year, that's not what they wanted. They wanted something better than that. They didn't want to be as bad as whoever the worst town is in Sussex County. Then we get to this piece about transparency. I would like to address that because it has been said that statements were always available on line. I think for people that attended meetings, you've heard Mayor Post complain about my FOIA requests. But those FOIA requests were for statements that were not posted on the website. I had to get to the website and when they refused to post them, I had to contact the State Attorney General's Office and then they were posted. I hear this transparency, it was never here and we're doing the best we can right now. Just as a point of transparency, I do want to bring up this one thing that really annoyed me, when I asked for a single page document and Mayor Post decided he wanted to charge me \$300 for this one page, when the Charter says I think it is 50 cents, the fee; and again the State Attorney General's Office had to make a phone call and I got it for 50 cents or 25 cents, whatever the fee was. I hear transparency, transparency did not exist. The next thing that I need to bring up is I've had discussions with a Mr. Jeff Weiss, who is the partner in charge of the review of accounting statements. They are leaning towards, they and the State Auditors Office, are leaning towards us having, well we will have to have the year 2009 Financial Statements restated; and that probably means they have to be reaudited; because the errors are so consistent through the years and the problems that I've been talking about and they have found to be factual, existed through that Fiscal Year. I just want to bring up two things and I'll stop. One is assets on the audited Financial Statements and the books of this Town are overstated; and they are overstated by several things. One simple item is that we replaced the gazebo last year and the old gazebo and the new gazebo and all the old swings are still reported as assets on the town books. As well as, the sewer plant is still an asset on the books. I thought we sold it. It shouldn't be on the books. So our assets are overstated and liabilities are understated; because we did owe Tidewater a lot of money and we may have owed other people a lot of money; so we're working hard. This accounting firm has a deadline and we're pushing towards that deadline and probably next week we're going to have a meeting with the accounting firm, the State Auditors Office; I am trying the best I can to have the State Auditors Office audit Fiscal Year 2010, if they will; because they know we're in a bind for money. I'm not sure how that's going to work out. They are open to it, but we do

have to have a discussion. We also have to have the discussion because I think what happened is that the error rate was so great, that the accounting firm has reached the end of their budgeted dollars for what they call the deliverables. So we have to sit down; I have volunteered to do the best I can to help them out; coming into tax season that may be a little difficult for me; but we will try. But the key is we can't prepare statements that are wrong. The Mayor is not going to present them; I'm not going to present them; I don't think the Council is going to present them and I was distinctly under the impression, that this is not what the Town wanted. Until we can get those statements correct and correct all the errors from the preceding years, we're not going to present a statement. I assume some people in the audience understand accounting and the problems if you have errors going from one year to the next; it just cascades and nothing is correct. Very simple things like we don't know what's called an Accounts Receivable; the books show that certain amounts of money is owed to the Town for let's say real estate taxes and we know, if you print a detailed list of who owes money to the town, it doesn't agree with the balance sheet. So there are so many problems and so many errors in just sheer inattention, sheer inattention. That's where we stand right now. We hope we can go forward pretty soon. We hope this accounting firm; I think they have to be wound up by some time this month, so we will move forward as best we can. That's all I can tell you. Thank you.

Mayor Newlands: Just to let the public know we do have a handle on how much money we have in the bank; where the money is; where the money is going; so that is all checked and secured; so we do have a handle on all that. This is the reporting end of it and how all of the finances are tracking. Thank you C Lester.

14. Old Business – Discussion and possible vote on the following items:

- a. & b. Rewrite of employee compensation rules for Town Code, and,
Rewrite of employee hearing procedures for Town Code

Mayor Newlands: We have these two items on the list to change the Town Code and Seth has issues with these two items. Do you want to explain them? He doesn't have issues with the items; he has issues with how we presented them.

Seth Thompson: Certainly the Council is free to go ahead and discuss them. I would think they've given the bare minimum of what you need for a forum, it probably won't put any vote off in the future, but the issue that I see is with regard to any exact language, Paragraph M, a majority of Council has to be present for a pre-determination hearing for specified employees; but then the Council isn't the one that is specified to make a determination. So in essence you get the window dressing and then the Hearing Officer makes the determination which doesn't make any sense to me. So there has been a suggestion that changing the language so that it says the Council's decision, as opposed to his/her decision. His/her referring to the Hearing Officer, makes a little more sense and is consistent with the fact that a majority of Council would be present for the hearing. Again, I see very little sense in having a majority of Council present, if they are not going to make the determination and it also clouds

the issue of well is there then an additional appeal step from the Hearing Officer's determination; and if so, does the Council need to then have a new hearing all over again, when they already heard the old, so that's one issue that I think warrants some attention. I also think it warrants the attention perhaps more than the minimum ____.

Mayor Newlands: Plus we need to put these in an Ordinance.

Seth Thompson: That's right. What's going to happen is there will be an Ordinance to amend the current Town Code and the Town Code is essentially a series of Ordinances. So these will be amending the Town Code provisions that relate to compensation, as well as the employee discipline and the Personnel Policy.

Mayor Newlands: I guess I'm going to need a motion. Should we do each one individually?

Seth Thompson: You can do them together.

Mayor Newlands: I need a motion to table items Old Business, 14a and b until next month.

C Prettyman: So moved.

C Lester: Second.

Mayor Newlands: We have a motion and a second to table items Old Business, 14a and b until next month. All in favor say aye. Opposed. Motion carried.

c. Recycling and Yard Waste disposal

Mayor Newlands: Next is the discussion on recycling and yard waste. I have lumped the two of them together only to remind people that recycling starts in September; but the DSWA stops picking up recycling in April; another one of your State's wonderful scheduling issues. One issue I have on the yard waste is really like I said before is the Town employees picking up the yard waste. We just don't have the manpower to do it. Having each neighborhood do it, I don't know if that's an undertaking that they want to do themselves, so I'm not sure if that's something like Katherine Grieg had said that the neighborhoods pick up and do their own thing. I'm not sure if that's something that we need to do; or we should just have something town-wide. I think really town-wide should be something that needs to be done; but what that is, I don't know yet. I know even Rehoboth hasn't come up with a concrete answer yet themselves and they have their own trash pickup. So they were just in the paper this past Friday that they haven't come to a conclusion as to how to handle this. I guess for the interim, I don't know if we could put a container down at the maintenance yard until we come up with something. M-T Trash will charge us for that. I know the season for brush stops in late February, so after the next meeting maybe we'll have a dollar amount. Actually we know the dollar amount from M-T Trash. They said it was \$150 for the container and then whatever the dumping fee was, they would actually charge us for that. The problem is getting the refuse to the containers, so you would have to bring it there; some of you would have to

borrow a pick-up truck, whatever. Yes we have to work out a schedule how we're going to do that. Perhaps we could have it there monthly for the next two months, until we figure something out. This is something just off the top of my head that we would have a container in the maintenance yard on a monthly basis, just for the next two months or so, or three months, so we can figure out what to do and get something organized.

C Prettyman: The problem is how the senior citizens are going to be able to get the stuff there.

Mayor Newlands: They are probably going to have to hire somebody to put it in a dump truck and take it down.

C Prettyman: So this is a double pay that is going to be put on them. They're going to have to hire somebody to take it and then we've got to pay somebody to be sure it gets there.

Mayor Newlands: Well initially the first two months, I think we can handle that through Town. It's \$150 for the container, plus a dumping fee.

C Prettyman: I can see a lot of the seniors not able to get it there.

Mayor Newlands: Unfortunately the State's kind of dumped this on us and said here, have fun.

C Prettyman: Yes, I understand that too.

Mayor Newlands: That's one of the biggest issues with this. Like I said before, the tipping fees are still going up; they're not reducing tipping fees; which is going to mean that your trash is going to go up in the next year or two, as well.

C Prettyman: We cannot do something with the maintenance maybe do a section over here and then a section over there and another section and another section; three different days or three times a month, or something?

Mayor Newlands: We don't have enough manpower to do that. We have one guy retiring in March; so we're not going to have enough manpower to do that. We need something that we're going to do on a permanent basis.

C Prettyman: I realize that but I just look at even myself not being able to get things done. Getting the stuff out and into a central location is going to cost the individual to get it from their home down there. And a lot of them are on fixed incomes.

Mayor Newlands: I understand that. It's going to cost no matter what. Somebody's going to have to pick up the stuff; whether the town does it or whether M-T Trash does it; it's going to cost extra. If the town does it, we have to dispose of it. We'll get charged to dispose of it; it's \$28 a ton to dispose of it; and quite frankly we don't have the equipment to pick it up. We have a dump truck and pick-up trucks, that's it.

C Lester: Mr. Mayor, is it possible during that trash pick-up season we could maybe give up one regular trash pick-up and exchange that for another?

Mayor Newlands: I wouldn't want to do that Health Code-wise; I wouldn't want to do that.

Scott Hoffman: Part of the problem is that the landfills won't take the yard waste, so that's why you can't put it in the trash anymore. If you go to the landfill, they have an area where you can take all the yard waste you want and you just pay your tonnage fee for yard waste.

Mayor Newlands: What he's suggesting is that the first Monday of the month would be yard waste pick-up; not trash pick-up and then we would double up the following week.

Scott Hoffman: I'll just throw this out there. I live in Kent County and we are in a trash district. Late last year we got a little card in the mail and it said we're not going to pick up yard waste anymore. It's going to cost extra. Vote if you want it or you don't want it. And I checked yes, because I want to get rid of the stuff. I haven't found out what they are going to do yet. They haven't told us how it all turned out, but that kind of goes back to what Mr. Collier said that maybe it's something; I don't want to get involved too much in the Town's business; but I was just throwing that out there as a possibility. That's another example of what another municipality did.

Mayor Newlands: Thank you. I'm actually opening the floor for comments at this point. If you would like to make a comment.

Katherine Grieg: Do you think it's possible that you could appoint a little Committee, along with public people and Town Council people to talk this over and make a list. I'm a list maker and I think if you make a list of all possible ways to deal with this and then cross off the ones that are impossible to work with and then try to come up with something.

Mayor Newlands: If you want to get a Working Group together, that's fine. If I have to form a Committee, it will probably take two months to do that.

Katherine Grieg: Could we call it something else?

Mayor Newlands: You can get together with whomever you like.

Katherine Grieg: I can?

Mayor Newlands: No I mean if you want to bring a number of people into Town Hall and sit down and talk about it, that's fine. But to form a Committee, we have rules and things. You don't want to go that way.

Katherine Grieg: Yes.

Mayor Newlands: You want to come in with a couple of people to Town Hall and sit and talk to us, that will be fine; we'll have Allen there, Stephanie and myself. That's fine. I'm opened to that, any time.

Katherine Grieg: Okay. Do I have the floor to ask who wants to go with me?

Mayor Newlands: Sure.

Katherine Grieg: Okay, then that's good. I'll be talking to you then.

Mayor Newlands: We could basically have a workshop on that. We could do it with the staff and the group that wants to come in. That is fine.

Katherine Grieg: Okay I'll talk to you within the next day or two?

Mayor Newlands: That will be fine.

Katherine Grieg: Thank you.

Mayor Newlands: Anybody else have any comments or questions?
Council? Okay, we can go on to the next item.

Marion Jones: I think Katherine's idea is great. I think it would be better if it was Council sanctioned; because I think it carries more impact. I think the problem here is that we're doing this in a reactive way; instead of a proactive way; and if we start this we need Council and the citizens. Had we started this 3 or 4 months ago and we knew this ball was going to drop; I just think we could have been further along by now. [garbled]. I don't have a pick-up truck to take it to the dumpster.

Virginia Weeks: Might I suggest that rather than a Committee, that the Council hold a Workshop with the public before the next Council Meeting, so you get a feeling of what's going on and see what they've come up with. That way everybody on the Council and the public would be informed and it wouldn't be at the meeting that you would have to reinvent all this stuff. That's all.

Mayor Newlands: I guess we could have a Workshop. We'll talk about it internally and we'll announce it. Anything else from anybody on the Council? Actually we did put out a list of those haulers who will come and pick up yard waste; and M-T Trash, our current vendor, will pick it up for a price.

15. New Business – Discussion and possible vote on the following items:

a. Approval of new members to the Economic Development Committee

Mayor Newlands: In your packet I just have a list of the changes and there are some openings on Committees, which we'll discuss, as well in a minute, but on the Economic Development Committee we had two resignations from that Committee and we have Kristen Patterson and Denise Suthard who are applying for the Economic Development Committee positions.

C Prettyman: I make a motion that we accept Kristen Patterson and Denise Suthard for the Economic Development Committee.

C Abraham: Second.

Mayor Newlands: We have a motion and a second to approve Kristen Patterson and Denise Suthard for the Economic Development Committee. All those in favor say aye. Opposed. Motion carried.

Seth Thompson: Mr. Mayor, have we received their ethics forms?

Mayor Newlands: No, not yet.

Seth Thompson: That is part of their requirements.

Mayor Newlands: We will make sure we get that out to them.

b. Request for volunteers for the Planning and Zoning Committee

Mayor Newlands: Just to let people know that there is an opening on the Planning and Zoning Committee. And there is also an opening on the Board of Adjustment Committee. So there's opening on two committees; one opening on each of the two committees, Planning and Zoning and Board of Adjustment. Individuals should submit letters to Town with their background and they will have to complete ethics forms for those positions.

- c. Request for volunteers for the Board of Elections and Election Day workers
Mayor Newlands: Also we have openings on the Board of Election Judges and alternate Judges. The Council has to approve the people who are currently on the Board of Election who asked to stay on the Board, but we do have openings for additional volunteers for Board of Election and for Judges.
- d. League of Women Voters interested in hosting the Candidates Forum
C Lester: Mr. Mayor, about two months ago I contacted the League of Women Voters and Barbara Mullen contacted me in return and we had a couple of conversations on the telephone. I felt, and I'll be honest, at the last Forum most of the questions directed to me came from one direction. I thought there has to be a better way to do this and part of the problem, I think, is that there is such a small gene pool and you've got cross-members of Boards of Directors on the Chamber, on this group and on that group; you don't have an independent voice. What we have with League of Women Voters is an independent voice. They will actually run the Forum in the same manner. They do accept cards; people will pose their questions and they sort them for duplicity and not for any other reason. They just will not have more than question. I felt very strongly that we need an independent voice at the Forums. I went to the very first Forum some years ago in town, the first one I attended. When I saw the matter it was being operated, I left and I never attended another one until I was asked to appear as a Candidate. I think it's wrong the way it has been conducted. I know they probably had the best of intentions of everybody involved; but to my point of view it was very one-sided and that can happen again, and it can happen to somebody else and I think it's absolutely the best thing. You get someone that's totally divorced of all organizations, all activities in Town; somebody totally independent and I've worked with the League of Women Voters in Silver Spring and they are a wonderful group of people and they adhere to the basic Code of Ethics. I don't how you progress, I can ask her; is it a personnel group from town that would talk to them and go forward? I just think it's the way to go. I don't exactly know how to go forward, but I don't know if there is anybody else here in the audience that has more experience that I do with this.
- Georgia Dalzell: The Chamber has done the Forum for a number of years. The people who are on the Chamber are members of the Milton community and we take the questions and we sort them and we do not use duplicate questions. We try to sort them that way to keep it fair. A lot of the questions were similar this year; there was no doubt about that; but we also discussed having an outside group; in fact we mentioned the League of Women Voters ourselves as an outside group that maybe a good thing to invite and we had planned on talking to them this year. We weren't sure if we were having a Forum this year, but we try; there is a written policy that we follow and to the best of our ability, we have followed it and tried to keep it very fair and open and objective to all the candidates and I think that we have continued to do that over the years. There's no reason that we can't look into having someone

else do that. We've had a moderator who is completely out of the community; but the people sorting the questions are from the community; that could not be helped. But that's a good suggestion and I think we will look into it.

C Lester: I don't think the; though not to be rude; I don't think the Forum is owned by the Chamber, so I think if another group wants to come in and participate I think that they would be welcome, in my mind, anyway.

Georgia Dalzell: Not that it's owned by the Chamber, but the Chamber has been the one who has hosted it for a number of years. We don't have ownership to it, but we're an organization in Town with the Business Membership who are interested in the outcome of the elections, so that is why we have taken it as the people who conduct it; but if someone else feels that they can do a better job, that's perfectly fine. But we would like to have a discussion with someone; if that's the case. We would invite them to our Board meeting next week and talk to them about doing it. If you would like the Chamber to be totally out of it, why don't you come to our Board meeting and explain why. Because we've done it for a number of years; it was done by the Chamber before I came here and as far as I know, the Chamber has done it for a number of years; and it's never been put to us to have anyone else do it. It's a service.

C Prettyman: Georgia, I am in agreement with the Chamber doing it, because the Chamber is a part of our community and it has been something that has been done and I know the questions are sometimes really backdooring one another; but at least we are hearing from the businesses and the community here and close by us as to what is going on. Those are the ones that don't get to vote and I think we may have to look at having the business owner's to vote. Because I think that would be a good thing. Here they are paying taxes and putting money into our community and they have no say at all and now you're going to try to take away; and I am a member of the League of Women Voters and I have worked with them and I feel very strongly about what they do, but I just think that this is something that we need to keep here and that you do what you've been doing, so that these people that are business people in the community, we can hear them. They have a say and I don't know how the rest of the Council feels but, I still feel and I've felt for a long time that these owners should have a right to vote at our Council Meeting because they own property here and what we do is a part they have to put out of their pockets and yet nobody is saying anything.

Denise Suthard, 309 Union Street: I lived here 10 years. I've gone through a couple of elections and I have to say the Chamber has done a good job, but it does seem that it would be a little bit neutral if somebody from outside would conduct it. I agree with you that there are business owners that don't live here; I happen to be one that's a business owner that does live here. I would like to see a more neutral territory. That's all I have to say.

Mayor Newlands: This is nothing that we need to vote on, it was just really an information session at this point, so I think we're just going to go on. Thank you all for your comments.

e. Property Tax Hearing

Mayor Newlands: This is the property tax hearing for Mr. Jefferson. What I handed out was a copy of the assessment on the property from Property Tax Associates. It was from December of last year. But we just got this today from Mr. Hickey from Property Tax Associates, so if everybody would take a second to read it and attached with that is the map of the property.

C Abraham: I have one issue that I have a question on. He compares it with Mr. Parker, which has businesses on it and Mr. Jefferson's is a vacant lot and that throws it off for me. I'm wondering if that's not what is driving up Mr. Jefferson's amount.

Stephanie Coulbourne: He splits the out the land value and the improvement value in our tax system; what he figures he's giving you is land value only.

C Abraham: And then I think, unless I need to use a calculator, it just seems like the total assessment is \$788,000, but it might be \$798,000.

Stephanie Coulbourne: It's \$798,600.

C Abraham: But then again I was thinking Mr. Jefferson you mentioned \$900,000 some, I thought, and that's what I came up with \$900,000.

Truitt Jefferson: There's one place and I don't know where it is... On one of the pieces of paper that I have that came from the Town, it has the market value at \$954,000.

C Abraham: That's what I came up with.

Mayor Newlands: That's market value, not assessed value.

Truitt Jefferson: That's from the original notice and then the estimated value was the \$798,500 and that's what I paid taxes on last year and that's what I'm talking about. I'm saying...

C Abraham: You paid taxes on what figure last year?

Truitt Jefferson: \$798,500; and I paid \$700,000 for the property; spent \$25,000 to clean it off and I'm saying the market value went down, not up.

Mayor Newlands: But he did his assessment two years ago; that's what it was appraised at two years ago.

Truitt Jefferson: The assessments were even down more than the property is now.

Mayor Newlands: Two years ago?

Truitt Jefferson: It just looked to me like it was on the high side.

C Prettyman: I agree.

C Abraham: Is this figure that we have for Parker's property the adjusted figure, because I know he appealed?

Mayor Newlands: He appealed but it was not adjusted.

C Abraham: I thought we did adjust his property.

Stephanie Coulbourne: Not on the property that you have listed, there were no adjustments.

C Abraham: But we did adjust some of it, I know we did.

Stephanie Coulbourne: Yes, but it was a different parcel.

Mayor Newlands: That's why he's using Mr. Parker as a comparison, because we're not adjusting. It was appealed last year and it was not adjusted; and he's using the same formula because I asked him about that; it's the \$10 per

square foot for the front and then \$7 for the rear. We just got the difference in tax from what we're currently charging, to what Mr. Jefferson is presenting; it is \$490 less.

C Prettyman: What was that?

Mayor Newlands: Mr. Jefferson is paying \$1,437 right now on the assessed value of \$798,000. The new tax would be \$490 less than that, if we use his figures. I'm just letting you know what the savings would be.

Seth Thompson: Has Mr. Jefferson seen a copy of the letter from Property Tax Associates?

Mayor Newlands: No, it says it was received at 5:00 p.m. today.

Seth Thompson: I don't know if he wants to specifically address that. Mr. Jefferson, the figure that the town's appraiser came up with is based on frontage at \$10 per square foot and then \$7 per square foot of non-frontage. I know that you said you spoke to a realtor; did they go into any in-depth analysis?

Truitt Jefferson: No, other than I was just trying to see if there was a market out there and I'll see what the number is like on the appraisal and he said it's not going to happen now. I would have done that because I was looking to convert real estate to cash. With the market being down and it may be down for awhile.

Seth Thompson: Do you know if there was a methodology to your realtor's assessment?

Truitt Jefferson: No, other than his experience with selling a lot of real estate and he's more into the commercial areas, then the other and he doesn't do that much in Milton, but the market is not too exciting.

C Abraham: Is it possible to put this off and have Mr. Jefferson get the realtor to come in with him, or get an appraisal of sorts in writing to afford you the opportunity with some sort of educated proof of what the value is; in comparing with what we're using?

Truitt Jefferson: Yes, he's a sales person and he's not supposed to...

C Abraham: Well I mean any person, you can leave here and we'll continue this until the next meeting and you come back by then with something from someone in writing.

Truitt Jefferson: I don't want to have to spend a lot of money on it.

C Abraham: It's just a suggestion.

Truitt Jefferson: I appreciate that; I can do that if that's what you need; then that's what you need.

C Lester: You could spend \$490 on the appraisal.

Truitt Jefferson: You could spend money, that's just the way it is. And to change the subject, but I believe that Mr. Fraser, the non-resident landlord ought to be able to vote and he said business owners; I have a bunch of property in Town and I pay everybody's salary; that's all I can do.

Mayor Newlands: If he wants to spend the money to get an independent appraiser, he can. If he asks that we table it, we can table it; because it's already on the schedule giving us the appeal.

Truitt Jefferson: I'll check on getting an appraisal and if I can get an appraisal and it comes in at a number; it may come in at a lower number than what I even have.

Mayor Newlands: So we can table it.

C Prettyman: I make a motion that we table this until Mr. Truitt Jefferson gets the appraisal and gets back to the Council.

Mayor Newlands: Can you be specific and ask that we table it until February. I don't want this to linger on.

C Prettyman: Okay, until February.

C Abraham: Second.

Mayor Newlands: We have a motion and a second to table Mr. Jefferson's request until February. All those in favor say aye. Opposed. Motion carried.

- f. Request to close Village Center Boulevard, Cannery Village, for installation of tanks in Dogfish Head, January 11-15. Request by John Klerlein

Mayor Newlands: We had a request from somebody at Dogfish Head, John Klerlein, to close Village Center Boulevard between January 11th and January 15th so they could install new tanks at Dogfish Head; those are the stainless steel tanks that are out there now; I think there are 4 or 6 of them they have. They have 6 of them; so they have room for another 6, so they're looking to install those tanks come a week or two from now. We've asked Mr. Klerlein to get us a letter. He has not. We've been trying to contact Dogfish Head; they haven't returned phone calls. We've tried contacting Pret Dyer and he hasn't returned phone calls; because we've asked this gentleman to talk to the Fire Marshall; to talk to Mr. Dyer to make sure it was okay with the residents out there. He has yet to come back to any of us right now. The other question that Robin Davis had, do we have jurisdiction over the closure of the streets, since they are not dedicated to the Town yet; so we're not even sure if we have jurisdiction.

Seth Thompson: Truth be told, the owners are really going to be the one controlling _____.

Mayor Newlands: So we have no control over it as a Council.

C Abraham: I don't think so.

Seth Thompson: Really!

Mayor Newlands: So those of you that live in Cannery Village can stand there and protest if you don't want them.

Jeff Daley, 211 Gristmill: But we taxes to the Town, so we look to your good governance in this matter, since we are tax paying citizens.

Mayor Newlands: But there are the legal issues that we can't deal with. This item, I guess we're just going to have to... By the time the next meeting comes around, this will not be an issue. We'll still talk to them and make sure that they follow the Fire Marshall and the Police know; so even though we don't have control over this area, right now, we'll still make sure that the Town is involved and the police and Fire Marshall are notified.

Judy Shandler, 202 Gristmill: I'm just wondering on that request to close Village Center Boulevard, are they just talking about the one side that leads to the Cannery.

Mayor Newlands: They are talking about the entrance, so you can not enter from that side.

Judy Shandler: There actually are two entrances to Cannery Village. Okay, so just on that one side.

16. Executive Session: Discuss Personnel Issues, Litigation and Land Acquisition

C Abraham: I make a motion to go into Executive Session at 8:13 p.m.

C Prettyman: Second.

Mayor Newlands: We have a motion and a second to go into Executive Session. All those in favor say aye. Opposed. Motion carried. Thank you all.

Mayor Newlands: We need a motion to come out of Executive Session.

C Abraham: I make a motion to come out of Executive Session at 8:43 p.m.

C Lester: Second.

Mayor Newlands: We have a motion and a second to come out of Executive Session. All in favor say aye. Opposed. Motion carried.

C Abraham: I make a motion to approve the pay rate during the emergency snow storm of December, 2010. The minimum pay rate is \$15.76 per hour.

C Prettyman: Second.

Mayor Newlands: We have a motion and a second to have a special pay rate for the snow storm from December, 2010. All in favor say aye. Opposed. Motion carried.

17. Adjournment

C Lester: I make a motion to adjourn at 8:44 p.m.

C Prettyman: Second.

Mayor Newlands: We have a motion and a second to adjourn. All in favor say aye. Opposed. Motion carried. Thank you all.